

## **Victim Impact Statement**

**People of the State of Michigan vs. DERIUS JAMES**

**Cases No CRW 10-334 FH**

Last year I started commuting to work on a bicycle with in order to train for a 320 mile charity ride this May.

I have strived to do everything in my life correctly with high moral and ethical standards whether in college, athletics, or at work. I have obeyed the law including properly registering and insuring my vehicle, and maintaining a valid license. As most of you probably have, I too have spent thousands of dollars doing everything the right way, the legal way.

On September 20, 2009 while riding to work, I was obeying all the traffic laws and doing everything right. I was struck by a driver who has seemingly spent his entire life intentionally trying to skirt the system; doing everything completely opposite of what the book requires; doing everything wrong. I was going straight through an intersection when Mr. James made a left turn into me. I had the right of way. Even though his license had been suspended on more than one occasion, he continued to drive a motor vehicle in disregard of the law. A motor vehicle which he had not properly transferred, had not properly registered, and had not insured. I struck his vehicle which sheared the front wheel and forks completely off my bicycle. I flipped over my bike and his hood and my body caved his windshield completely in. I was then thrown 10-15 feet into the air per one witness (see photos) and fortunately I was not struck by another motor vehicle as I landed hard in the roadway.

I went to the ER via HVA for emergency treatment. I had numerous follow up appointments to include physical therapy and reconstructive surgery on a laceration to my right quad (so deep and long that I could see my quad muscle beneath my skin at the hospital). I had glass embedded in my face, upper right back, and both legs. I had large mentionable contusions on both elbows and forearms, both knees, my upper right-side back, and my entire lower right leg. I lost over a month of work due to injuries sustained in the crash, and follow-up reconstructive surgery. My property damage totaled \$3574 due to complete destruction of my bicycle, some equipment and clothing.

Despite spending thousands of dollars over the years on properly and legally registering and insuring my vehicles, I have incurred thousands more as a direct cause of being struck by someone who spends nothing on those same required things. I lost 18 days of work immediately following the crash which totaled not only \$10,764 in direct wages lost, but also 6% of that amount which would have factored into a retirement plan which I should collect for at least 40 years. I then lost another 10 days to undergo and recover from reconstructive surgery on my right thigh.

Once a competitive "Open Division" volleyball player, runner, competitive softball player, I have since had to modify my level of play and physical activity due to my injuries. I co-own a business which requires physical labor. Evenings after working for the private business, running, playing either

aforementioned games or just mowing the grass, I still experience tremendous pain in my low back, neck, right quad and right hip flexor. I still see a chiropractor on a regular basis. I will never wear shorts or a bathing suit again without seeing or showing a large scar on my right quad, even after reconstructive surgery. I can only imagine how these injuries will continue to affect my physical performance and activities, and I am not looking forward to finding out as time continues to pass and I continue to feel the residual effects of this crash – physically, emotionally, and psychologically.

I am an experienced cyclist. I am a cautious and courteous rider, whether commuting, cycling at work, or on a leisurely ride downtown. I have taken and taught numerous cycling classes over the past 18 years. I was obeying the traffic laws that day in September. Unfortunately I literally ran into someone who was not. And then I paid some more - literally, for both his carelessness as well as his deliberate and criminal inactions.

I would request the court to impose the maximum sentence allowed, since anything less has thus far proven to do nothing to change his behavior or to teach him that there are consequences for cheating the system.

Kathleen Vonk,  
Ann Arbor Police Officer

